

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CERTAIN MOBILE HOMES BROUGHT INTO THE STATE BE SUITABLE FOR HABITATION; REQUIRING THAT A PERSON WHO INTENDS TO MOVE A MOBILE HOME INTO THE STATE AND WHO APPLIES FOR AN EXCESS SIZE AND WEIGHT PERMIT NOTIFY THE COUNTY OF DESTINATION; REQUIRING THE OWNER OF THE MOBILE HOME TO CERTIFY THAT THE MOBILE HOME IS SUITABLE FOR HABITATION; ALLOWING A COUNTY HEALTH OFFICER OR SANITARIAN TO INSPECT A MOBILE HOME BROUGHT INTO THE STATE; PROVIDING PENALTIES FOR FALSE CERTIFICATION; REQUIRING THE OWNER OF A MOBILE HOME TO DISPOSE OF THE PROPERTY IF IT IS FOUND TO BE UNSUITABLE FOR HABITATION; ALLOWING A COUNTY TO DISPOSE OF THE PROPERTY AND BILL THE OWNER FOR COSTS; DEFINING "SUITABLE FOR HABITATION"; AND AMENDING SECTION 61-10-121, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-10-121, MCA, is amended to read:

"61-10-121. Permits for excess size and weight -- agents. (1) (a) Upon application and with good cause shown, the department of transportation, or its agent under subsection (3), and local authorities in their respective jurisdictions may issue telephonically or in writing a special permit authorizing the applicant to operate or move a vehicle, combination of vehicles, load, object, or other thing of a size or weight exceeding the maximum specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 upon a highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible. However, only the department may issue permits for movement of a vehicle or combination of vehicles carrying built-up or reducible loads in excess of 9 feet in width or exceeding the length, height, or weight specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. This permit must be issued in the public interest. A carrier receiving this permit must have public liability and property damage insurance for the protection of the traveling public as a whole. A permit may not be issued for a period greater than the period for which the GVW license is valid, including grace periods, as provided in this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. A license required by the

1 state governs the issuance of a special permit.

2 (b) The department may issue to dealers in implements of husbandry and self-propelled machinery
3 oversize permits. The permits may be transferred from unit to unit by the dealer, for the fee set forth in
4 61-10-124. These oversize permits may not restrict dealers in implements of husbandry and self-propelled
5 machinery from traveling on a Saturday or Sunday and expire on December 31 of each year, with no grace
6 period. For the purposes of this section, a dealer in implements of husbandry or self-propelled machinery must
7 be a resident of the state. A post-office box number is not a permanent address under this section.

8 (2) (a) The applicant for a special permit shall specifically describe the powered vehicle or towing
9 vehicle and generally describe the type of vehicle, combination of vehicles, load, object, or other thing to be
10 operated or moved and the particular state highways over which the vehicle, combination of vehicles, load,
11 object, or other thing is to be moved and whether the permit is required for a single trip or for continuous
12 operation.

13 (b) If the applicant for a special permit under this section intends to transport a mobile home from a point
14 outside of the state to a destination within the state and use the mobile home for habitation, the mobile home
15 must be in a condition that is suitable for habitation, as defined in [section 2]. The applicant and the owner of the
16 mobile home shall comply with the provisions of [section 2].

17 (3) The department may enter into a contract with a private party to act as an agent of the department
18 for the purpose of issuing, in writing, a special permit allowed under this section."

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20 **NEW SECTION. Section 2. Reporting of certain mobile homes new to county -- inspection --**
21 **penalty for false certification -- definition.** (1) When a person applies for or uses a permit issued under
22 61-10-121 to transport a mobile home from a point outside of the state to a destination within the state, the
23 person shall notify the county health officer in the mobile home's county of destination. The notification must
24 include certification from the owner of the mobile home that the mobile home is suitable for habitation and has
25 not been condemned or declared uninhabitable by another jurisdiction.

26 (2) The county health officer, county sanitarian, or a designated representative may inspect the mobile
27 home upon its arrival to verify that the mobile home is suitable for habitation and that, if the mobile home is being
28 used as rental property, the owner is complying with 70-24-303.

29 (3) (a) If the health officer, sanitarian, or designated representative finds that the owner of the mobile
30 home falsely certified that the mobile home was suitable for habitation or finds that the owner is not complying

1 with the provisions of 70-24-303, the owner must be fined not more than \$500. The fine must be deposited in
2 the county general fund.

3 (b) An owner who falsely certifies that a mobile home is suitable for habitation is also subject to
4 prosecution under 45-7-202 or 45-7-203.

5 (4) An owner of a mobile home who is fined as provided in subsection (3) may not use the mobile home
6 as a rental property and is responsible for the proper disposal of the mobile home. If an owner neglects to
7 dispose of a mobile home as required in this section within a timeframe established by a county health officer
8 or sanitarian, the county health officer or sanitarian may dispose of the mobile home and bill the owner for the
9 cost of disposal.

10 (5) For the purposes of 61-10-121(2) and this section, "suitable for habitation" means that the mobile
11 home complies with applicable manufactured home safety standards and that the structure does not or will not
12 endanger the health or safety of its inhabitants.

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14 NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an
15 integral part of Title 50, chapter 2, part 1, and the provisions of Title 50, chapter 2, part 1, apply to [section 2].

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